

Appl. No. : 10/618,900
Filed : July 14, 2003

REMARKS

Claim 1 has been amended to clarify the invention, and claim 26 has been canceled. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application.

Rejection of Claims 1, 5-7, 9-11, 22, 24, and 26 Under 35 U.S.C. § 102

Claims 1, 5-7, 9-11, 22, 24, and 26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Horie (US 5951923).

In the section of Response to Arguments, the Office action provides the following helpful remarks: "The Examiner believes that a 'penetration [sic] the vaporization surface' can include only a hole as applicant supports, but also a groove as taught by Horie. It is the *surface* that is penetrated and required by the amended claims." *Office action* at page 9, lines 10-12 (Emphasis in original.)

In light of the Examiner's remarks, claim 1 has been amended to clarify "said pores being through-holes **penetrating the vaporization surface and the evaporation plate** in a thickness direction of the evaporation plate." The through-holes penetrate not only the vaporization surface but also the evaporation plate, which distinguish the claimed structures from the structures taught by Horie. Upon the above amendments, the applicant's arguments previously made can apply here, and as previously explained, the claims cannot be anticipated by Horie. Applicant respectfully requests withdrawal of this rejection.

Rejection of Claims 2-4, 8, and 23 Under 35 U.S.C. § 103

Claims 2-4, 8, and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horie in view of Strang (US 20040129217).

Claims 2-4, 8, and 23 depend ultimately from claim 1. As described above, claim 1 is distinguished from the structures taught by Horie, and a combination of Horie and Strang cannot lead to claim 1 and its dependent claims. Applicant respectfully requests withdrawal of this rejection. In view of the above, the remaining reasons for rejection are moot.

CONCLUSION

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In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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